

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT KEITH MELLENTIN,)
)
Plaintiff,)
)
v.)
)
FIRST STUDENT, MIKE HALBE, CURTIS)
TUCKER, and CARTEZ PARKS,)
)
Defendants.)

Case No. 3:14-cv-415-MJR-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is the Motion for Leave to File an Amended Answer filed by Defendants First Student, Mike Halbe, and Curtis Tucker, on May 19, 2014 (Doc. 16). For the reasons set forth below, the Motion to File an Amended Answer is **GRANTED**.

The Defendants seek leave to amend their Answers to reflect additional information learned from the administrative files regarding Plaintiff's charges of discrimination. The Defendants state that their Motion is brought in good faith, is not intended to delay the proceedings, and that Plaintiff will not be prejudiced if the Defendants are permitted to file their Amended Answers. In response, Plaintiff asserts that Defendants' initial answers cannot be changed and that Defendants are attempting to improperly assert additional affirmative defenses.

Federal Rule of Civil Procedure 15(a) provides that a party may amend a pleading and that leave to amend "shall be freely given when justice so requires." However, leave to amend may be denied if there is "undue delay, bad faith, dilatory motive, prejudice, or futility." *Guise v. BMW Mortgage, LLC*, 377 F.3d 795, 801 (7th Cir. 2004). In this instance, it does not appear that Defendants are seeking leave to amend their answers in bad faith. Further, allowing Defendants

to amend their answers would not result in any undue delay or prejudice to the Plaintiff. This case is still in the initial stages as the Court has not yet entered a scheduling order, and the parties have indicated they have not engaged in any discovery. Finally, Plaintiff's assertion that Defendants are attempting to assert additional affirmative defenses is unfounded. Defendants' affirmative defenses relating to Plaintiff's alleged failure to comply with applicable timelines and Plaintiff's failure to exhaust administrative remedies were pled in Defendants' original Answers and it appears that Defendants are seeking leave to provide additional detail regarding these defenses.

Based on the foregoing reasons, Defendants' Motion for Leave to File an Amended Answer is **GRANTED**. Defendants are granted leave to file their Amended Answers by **June 27, 2014**.

IT IS SO ORDERED.

DATED: June 23, 2014

DONALD G. WILKERSON
United States Magistrate Judge